

IN DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

UNITED STATES OF AMERICA, ET AL.

PLAINTIFFS,

v.

CASE NO. 1:11-cv-00006

HOVENSA L.L.C.

DEFENDANT.

**DECLARATION OF FERMIN RODRIGUEZ IN SUPPORT
OF PORT HAMILTON'S MOTION TO CLARIFY THE CONSENT DECREE**

I, Fermin Rodriguez, declare and affirm as follows based on my personal knowledge:

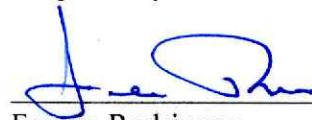
1. I am over 18 years of age and am competent to give this Declaration. I am submitting this Declaration in support of Port Hamilton Refining and Transportation LLLP's ("Port Hamilton's") Reply to its Motion to Clarify in the above-captioned matter.
2. I have been an employee of Port Hamilton for two years. I have been working at the refinery in St. Croix (the "Refinery") for 34 years and have worked in the refining industry for 49 years. I am currently the Port Hamilton Vice President and Refinery Manager.
3. As Vice President and Refinery Manager, my responsibilities include overseeing all the implementation and operation of the Refinery. This includes evaluating the systems necessary to operate and restart the Refinery. One of the technologies necessary to operate the Refinery is emission control systems.
4. In planning for the restart of the Refinery, I have considered different possible control systems, including a flare gas recovery system.

5. Port Hamilton's consideration of a flare gas recovery system was preliminary. Port Hamilton never completed any design work for a flare gas recovery system and never obtained any bids for such a system.
6. Another responsibility of my role is to consider any pre-start conditions that are required under the Consent Decree with the U.S. Environmental Protection Agency and its related modifications. There are dozens of obligations in the Consent Decree and the First Modification of the Consent Decree that dictate actions Port Hamilton must take to ensure the Refinery is in compliance with these agreements. These include maintaining obligations under Clean Air Act permits, leak detection and repair ("LDAR") procedures, valve upgrades and repairs, and other measures to control emissions.
7. In my role overseeing the operations of the Refinery, I am also involved in decisions related to the operational capacity of the Refinery. Port Hamilton intends to operate the Refinery at or below the output pursued by Limetree Bay Refining, LLC. This is roughly 180,000 barrels of oil per day.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based on my personal knowledge.

Date: April 19, 2024

Respectfully submitted,



Fermin Rodriguez

*Vice President and Refinery Manager for Port
Hamilton Refining and Transportation LLLP*